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**BY ECF AND U.S. FIRST CLASS MAIL**

June 14, 2010

The Honorable Andrew Carter  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Britt v. Aries Financial, et. al.*, 09-Civ-2398 (RJD) (ALC))  
*Petersen v. Aries Financial, et. al.*, 06-Civ-6663 (RJD)(ALC)

Dear Judge Carter:

We represent the Plaintiff, Marie Petersen, in the above-referenced matter and write on behalf of the parties in *Britt* and *Petersen* as directed by this Court's Order of June 3, 2010.

The parties have made progress in discovery during the last two months in both matters. Depositions were completed on the following individuals:

Doug Kahan (Britt defendant and nonparty witness Petersen)  
Al London individually and as 30(b)(6) witness for Aries Financial (Britt and Petersen)  
Gary Cucuzza (Petersen defendant)  
Catherine Basile (nonparty witness Petersen)

In addition, the following depositions are scheduled to be completed by June 30, 2010:

Herman Britt (today, June 14)  
Candice London (Britt and Petersen June 22)  
Waterview Abstract (nonparty witness Petersen June 23)  
Carol Laxner (Britt and Petersen June 24)  
Sharline Britt (Britt June 29)

Although the parties have completed a significant part of discovery it appears that it will not be complete by June 30, 2010 for several reasons. First, the parties have completed three days of Marie Petersen's deposition. As the Court is aware, due to Ms. Petersen's poor health these depositions have been held in her home and have been scheduled for two hours each time. Defense counsel believes

require additional dates beyond the June 30<sup>th</sup> date for completion of her deposition.

Several other issues have arisen which may also require an extension beyond June 30, 2010. The parties had a tentative date scheduled for June 23<sup>rd</sup> to take the deposition of Larry Ramaekers (one of the principals of Aries Financial). However, Mr. Ramaekers has recently informed plaintiffs' counsel that the counsel for Aries Financial may not accept service of the deposition subpoena on his behalf. As a result, plaintiffs' counsel are forced to personally serve Mr. Ramaekers in Telluride, Colorado. We have scheduled this deposition for June 30, 2010 but are now not aware of Mr. Ramaekers' availability.

In addition there is a nonparty witness in Petersen, David Gottlieb, who appears to be evading service of the subpoena to appear for deposition. Mr. Gottlieb is a New York attorney who was in defendant Powell's employ in 2005 and 2006. In this capacity Mr. Gottlieb allegedly appeared at Methodist hospital in order to have Ms. Petersen sign closing documents. Counsel spoke to Mr. Gottlieb in April and advised him of our need to take his deposition. However since that time he has refused to return telephone calls and email and the process server has not been able to personally serve him with the subpoena. Although we had scheduled to take this deposition in June our inability to serve Mr. Gottlieb may require that his deposition be scheduled in July. Likewise it appears that Divine Intervention (currently scheduled for June 28) is evading service of the deposition subpoena. Finally there are a few nonparty witnesses who remain to be scheduled depending on the completion of the June depositions listed above.

Counsel believes that we will know within the next ten days whether and to what extent a short extension on discovery may be necessary and with the Court's permission will so update your Honor. Thank you for your consideration.

Dated: Queens, New York  
June 14, 2010

Respectfully submitted,

/s/

Donna Dougherty

cc:

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